

Remarks:

After entry of the amendment, claims 1, 2, 14-16, 28-39 and 55-57 are pending.

Claim 1 has been amended such that variable $-X^2-Y^2-Z^2$ is $N=CR^4-CR^5$ (i.e. option (f) of the specification as filed) and not $-CR^4=CR^4-N=$ (i.e. option (e) of the specification as filed) as was indicated in error in the amended claims as filed on May 5, 2006. In order for Formula (II) to encompass Applicants' election of species, variable $-X^2-Y^2-Z^2$ must be $N=CR^4-CR^5$.

No issues of new matter should arise and entry of the amendment is respectfully requested.

A. Obviousness-Type Double Patenting Rejection

Claims 1, 2, 14-16, 28-39 and 55-57 are rejected under the judicially created doctrine of obviousness-type double patenting over claims of Patent No. 6,649,629.

Applicants respectfully traverse the rejection and respectfully submit that the claims in Patent No. 6,649,629 and the present application are patentably distinct and are directed to compounds with different structure. However, in order to further prosecution, Applicants submit herewith an executed Terminal Disclaimer in view of U.S. Patent No. 6,649,629.

In view thereof, Applicants respectfully request that the obviousness-type double patenting rejection be withdrawn.

B. Rejoinder of claims

Upon the allowance of product claims, Applicants respectfully request the rejoinder of the method of use and kit claims. Applicants thank the Examiner for indication in his communication dated February 7, 2006, that upon allowance of elected compound/composition claims, the method of use and kit claims will be rejoined. Applicants note that the compound claims relate to the method of use and kit claims as subcombination/combination.

C. Conclusion

Applicants respectfully request reconsideration and allowance of claims 1, 2, 14-16, 28-39 and 55-57. Examiner Saeed is encouraged to contact the undersigned concerning any questions about the present application.

Respectfully submitted,



Belinda M. Lew, Ph.D.
Registration No. 53,212

Dated: November 13, 2006

WILMER HALE LLP

1875 Pennsylvania Avenue, NW

Washington, DC 20006

Phone: (202) 663-6029